UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,474	03/10/2004	Mark Vincent Scardina	50277-2389	7416

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EXAMINER
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ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
08/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/798,474	SCARDINA ET AL.
	Examiner	Art Unit
	Quoc A. Tran	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-6; 13-25; 39-44 and 48-69*.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Quoc A. Tran/ Examiner, Art Unit 2176	/Doug Hutton/ Supervisory Patent Examiner Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's Request for reconsideration Remarks filed 07/22/2008 have been fully considered but they are not persuasive. The reason is set forth in the Final Office Action mailed 05/23/2008 of the following:

i) Applicant argued that Fry and Sijacic would not achieve or rendered obviousness to combine, because Fry and Sijacic does not disclose "... while an XML processor is performing a validation operation on an XML-based input stream... (1) responding to a request ... where the one or more messages indicate to the application how the application is to process the particular XML element ...," See the Remarks Most of Page 2 through Page 8 Top Half and Page 9 First Para.

The examiner disagrees.
 For purposes of responding to Applicant's argument, the examiner will assume that Applicant is arguing for the patentability of Claims 1, 13, 48 and 54.

        As discusses in the previous Office Action dated 05/23/2008, Fry discloses this limitation in that SAX as a streaming parser (i.e. XML validator in streaming fashion, wherein the data being validated while streaming - See Fry at Para 22-27. In addition Sijacic discloses in fig. 5-6, which shown steps 610-660 (i.e. validating request, parsing, reposes to message) wherein the request messages are parsed by event-based parser or API such as Simple API for XML (SAX) a parser operating within the XML DOM 510 (Step 620 Fig. 6), and further defines the logical structure of these documents and the manner by which they are edited and accessed. This structure, or model, enables XML servlet 222 to identify interfaces and objects used to represent and modify a document; the behavior and attributes of these interfaces and objects; and any relationships between the interfaces and object, See Sijacic in Fig. 5-6 and the Abstract and Para 11, 32, 43 and 58-62. Also Sijacic discloses the validating request, parsing, reposes to message wherein the request messages are parsed by event-based parser or API such as Simple API for XML (SAX) a parser operating within the XML DOM 510 (Step 620 Fig. 6) and Para 11, 32, 43 and 58-62.

        Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Fry's XML SAX Streaming parser API to include a means of said causing said XML processor to generate one or more messages that indicate to the application how the application is to process said particular XML element, by identifying one or more annotations that are associated with said particular XML element as taught by Sijacic, because Fry and Sijacic are analogous art, since they are from the same field of endeavor of XML parsing and validating input xml data stream and annotation schema, and provides a predictable result of allows the a SAX or DOM parser includes name of a selected element to be passed to the method. The base parser can begin processing the XML document to locate an element tag signifying an element of the XML document. The iterative method can then direct the base parser to step through the elements in the document until the tag is located that corresponds to the selected element. The base parser can extract the selected element from the XML document and process the element such as by generating an event that can be read by a Java application. The event can then be placed on an event stream for use by an application- See Fry at Para 17.)

 Thus, Fry and Sijacic disclose the limitation said while an XML processor is performing a validation operation on an XML-based input stream... (1) responding to a request ... where the one or more messages indicate to the application how the application is to process the particular XML element ..., and provide proper reasons to combine, as indicated in the above and in the final rejection dated 05/23/2008.

ii) In addition, applicant argued that Fry and Sijacic would not achieved or rendered obviousness to combine, because Fry and Sijacic does not disclose " ... a validator that comprise a state machine that is operable to response to requests while validating particular elements ...," See the Remarks Most of Page 2 through Page 8 most of second half and top of Page 9.

The examiner disagrees.
For purposes of responding to Applicant's argument, the examiner will assume that Applicant is arguing for the patentability of Claim 39.

        As discusses in the previous Office Action dated 05/23/2008, specifically Fry disclose the Streaming parser API, is utilized for validating, parsing XML document. Such a streaming parser for XML can be implemented on top of SAX. The streaming parser takes SAX events and constructs an easily manipulated event stream that is available to the application programmer. The streaming parser gives parsing control to the programmer by exposing a simple iteration-based API to the programmer, wherein a SAX or DOM parser, which allows the name, type of a selected element to be passed (See Para 17, 22-27). In addition Sijacic disclose information about validating said first element comprise one or more of: the name of said first element; the data type of said first element, in that process manager 142 is a manages data that pertains to the current state of items in a given workflow process utilized XML DOM 510, defines the logical structure of these documents and the manner by which they are edited and accessed. This structure, or model, enables XML servlet 222 to identify interfaces and objects used to represent and modify a document; the behavior and attributes of these interfaces and objects; and any relationships between the interfaces and object, See Sijacic at Para 34 and 58-62.

        Accordingly, it would have been obvious to a person of ordinary skill in the art the time the invention was made to have modified Fry's XML SAX Streaming parser API to include a means of said causing said XML processor to generate one or more messages that indicate to the application how the application is to process said particular XML element, by identifying one or more annotations that are associated with said particular XML element as taught by Sijacic, because Fry and Sijacic are analogous art, since they are from the same field of endeavor of XML parsing and validating input xml data stream and annotation schema, and provides a predictable result of allows the a SAX or DOM parser includes name of a selected element to be passed to the method. The base parser can begin processing the XML document to locate an element tag signifying an element of the   XML document. The iterative method can then direct the base parser

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to step through the elements in the document until the tag is located that corresponds to the selected element. The base parser can extract the selected element from the XML document and process the element such as by generating an event that can be read by a Java application. The event can then be placed on an event stream for use by an application- See Fry at Para 17.)

Thus, Fry and Sijacic disclose a validator that comprise a state machine that is operable to response to requests while validating particular element, and provide proper reasons to combine, as indicated in the above and in the final rejection dated 05/23/2008.

Therefore, the Examiner respectfully maintains the rejection of the Final Rejection mailed 05/23/2008 at this time.   .

 /Quoc A. Tran/
Examiner, Art Unit 2176